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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,477	01/12/2001	Hirofumi Kawamura	203843US6	1740
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER SHIN, CHRISTOPHER B	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,477

Applicant(s)

KAWAMURA ET AL.

Examiner

Christopher B Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9,10 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Amendment received August 6, 2004 has been entered and carefully considered. Claims 1-5, 9-10 & 21-27 are pending in the application.

Response to Amendment

Applicant's arguments filed August 6, 2004 have been fully considered but they are not persuasive for the following reasons.

- *On page 8, lines 6-14, the applicant argued "it is noted that the data stored in 2306 relates to the user personal attributes as disclosed at col. 17, lines 34-36, for example, and has nothing to do with the further requirement of Claim 1 as to a "particular user terminal of that user different from the terminal device." Thus, the use of this user personal attribute data from 2306 by the CPU 2301 (asserted to teach this limitation at the top of page 4 of the outstanding Action) cannot be said to correspond to this subject matter that tells nothing about any user device, much less one different from device 102, 103. Thus, as it is clear that Harada does not teach, or even suggest, all the limitations of Claim 1, this anticipation rejection of Claim 1 is traversed." Moreover, Harada contains no teaching or suggestion of the information stored in 2306 or elsewhere being of a nature permitting the user to use the terminal device as if the terminal device was in a system condition of the particular user terminal.*
 - The examiner traverses such argument. The examiner directs the applicant to look at column 7, lines 11-23. Harada teaches that a remote control apparatus may be usable by a plurality of different user with user identification means like fingerprint recognition means and more are tied to the personal attribute information storage section, functionally equivalent to the claimed invention. This clearly suggests and teaches the claimed limitation. The examiner strongly suggest the applicant to carefully consider the entire teachings of Harada et al.
 - As for the rest of the applicant's arguments on page 8-10, the examiners slightly modifies the art rejection to address & responsive to the applicant's argument.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al. (5,721,583).

Harada reference teaches all of the limitations of the claim 1 as follows;

Claim 1 Harada (figures 1, 3)

- A terminal control apparatus (TCA) for controlling a terminal device (TD) that performs specific process; said TCA comprising
 - Feature of a system of figure 1
- Terminal control apparatus
 - Feature of (2300)
- Terminal device
 - Feature of (2200)
- Communication means for performing communication between the terminal device and the terminal control apparatus
 - Feature of (2302)
- Control means for controlling the terminal device
 - Feature of (2301, 2305, 2306) controlling (2200)
- By using a terminal control function that accords with a system condition of the terminal device
 - Feature of (2301) using the data stored in (2305), see also columns 6-7, lines 43-23
- Personal user data peculiar to a particular user and to a particular user terminal of that user different from the terminal device so that the user can use the terminal device as if the terminal device were the particular user terminal
 - Feature of (2301) using the data stored in (2306)
- Data peculiar to a particular ...user terminal
 - Obvious feature of column 6, line 43 – column 7, line 23, "identifier"
- Control means communicating with the terminal control apparatus through the communication means
 - Feature of (2302)

Since the Harada reference teaches all of the claimed limitations, the claim 1 is anticipated by the teachings of the Harada reference.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 9-10 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (5,721,5830) in view of Foster (6,211,870).

a. The teachings of the claim 1, have been discussed and provide above, are applied here in the further depending claims.

b. As for claims 2-5, the Foster reference teaches the claims limitations as follows:

Claims 2-5 Foster (figures 1-8)

- 2...wherein the control means selects an optimal one of plural available terminal control functions for the terminal device, and performs the optimal terminal control function selected, thereby to control the terminal device
 - Feature of figure 1, (200) selecting optimal control function (commands) by (100) to control terminal device (300), see also four "phases" starting at column 6, line 20
- 3...wherein the control means comprises selection means for selecting the optimal terminal control function in accordance with terminal information that represents terminal device type and terminal device capabilities, and function-performing means for performing the optimal terminal control function selected by the selection means
 - Feature of figure 1, (200) selecting optimal control function (commands) by (100) to control terminal device

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(300), see also "learning", "development", and "transfer" phases" starting at column 6, line 20

- 4...wherein the function-performing means comprises function control means for controlling various function units of the terminal device, and the function control means controls the functions corresponding to the various function units in accordance with terminal device capability data contained in the terminal information
 - Feature the four phases & the figure 1
- 5...wherein information is received from and transmitted to the terminal device through a terminal control system that operates regardless of what type of terminal device is present
 - Feature interactive device of Harada in combination with universal programmability device teachings
- 9...wherein the terminal device includes various function units and the control means includes means for transmitting terminal information to the terminal control apparatus indicating what type of terminal device is communicating with the terminal control apparatus, the terminal control apparatus selecting the terminal device control function based on the indication of terminal device type and capabilities and providing the selected terminal device control function to the control means for controlling the function units to perform specific processes in accordance with the selected terminal device control function
 - Feature of figure 1, (200) selecting optimal control function (commands) by (100) to control terminal device (300), see also "learning", "development", and "transfer" phases" starting at column 6, line 20
- 10...wherein the control comprises information-storing means for storing the terminal information, information-transmitting means for acquiring the terminal information from the information-storing means and transmitting the acquired terminal information to the terminal control apparatus, and function-performing means for causing the function units to perform the specific process
 - Feature of figure 1, (200) selecting optimal control function (commands) by (100) to control terminal device (300), see also "learning", "development", and "transfer" phases" starting at column 6, line 20

c. As for claims 2-5, the differences between the Harada reference and the limitations of claims 2-5 are the Harada reference does not expressly disclose the limitation details of the dependent claims 2-5; however, such limitations details are taught by the Foster reference. The teachings of the Foster and Harada references are directly related to remote control environment, and Foster

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reference clearly motivates to improve "usability" from typical remote control device by adding the features and teachings of the Foster reference. Therefore, it would have been obvious to one having ordinary skill in the art can easily be motivated to add the advantageous feature of the Foster reference to the Harada reference for the purpose of improving "usability" as motivated by the Foster reference specifically in a remote controlling device art.

d. As for claims 21-27 the teachings of the claims 1-5 & 9-10 are similarly applied.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4146. !

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Shin
Primary Examiner
Of 2182



October 27, 2004
cbs